UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/028,757	12/21/2001	Lee E. Cannon	4978US (01-01-029)	2583

4743 7590 06/07/2007

MARSHALL, GERSTEIN & BORUN LLP
233 S. WACKER DRIVE, SUITE 6300
SEARS TOWER
CHICAGO, IL 60606

EXAMINER	
NGUYEN, DAT	

ART UNIT	PAPER NUMBER
3714	

MAIL DATE	DELIVERY MODE
06/07/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/028,757	CANNON, LEE E.	
	Examiner	Art Unit	
	Dat T. Nguyen	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 March 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *54,56-59,61-66,68-71 and 78-83* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *54,56-59,61-66,68-71 and 78-83* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

This office action is responsive to the amendments filed on 03/26/2007 in which applicant responds to claim rejections. Claims 54, 56-59, 61-66, 68-71 and 78-83 are pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1. Claims 54, 61, 63-66, 73, 75-77, 79, 80, 82 and 83 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vancura (US 6,413,160) in view of Vancura (US 6,988,732 B2), Walker (US 6,394,899 B1) and further in view of LaMura (US 6,676,521).

Vancura160 teaches a method for playing a knowledge based bonus game comprising:

Displaying an image representing a first game (col. 2, lines 45-65);

Determining whether to initiate a bonus game (col. 2, lines 45-65);

Selecting a trivia question and a fixed set of answers associated with the trivia question for the bonus game (col. 5, lines 30-40 and col. 6, lines 20-25), the trivia question and the fixed set of answers having a difficulty level selected according to a criterion, the criterion being independent of player preference (col. 4, lines 3-22);

Determining an award based on the answer selection (col. 5, lines 1-67 and col. 6, lines 1-67).

The game of Vancura160 can be played by multiple players therefore, one by receive a wager from a second player, determine to initiate a bonus game for the second player, select a second trivia question and a second fixed set of answers having a difficulty level selected according to a criterion. An image representing the bonus game is displayed and a second answer selection is received from the second player of one of the fixed second set of answers and the second award is based on the second answer selection. For example, a second person can play the game on a second gaming machine or can come and play the game at the same gaming machine once the first player is done [claim 61-73]. It is obvious to one skilled in the art that receiving a wager from a player comprises receiving a wager via a coin acceptor, a bill receiver or a card reader [claims 63, 75]. These are all common ways to receive a wager in a gaming device. Determining to initiate a bonus game comprises determining one of a combination of reels, a hand in video poker and a hand in video black jack (col. 2 lines 45-67 and col. 3, lines 1-15) [claims 65, 77]. The gaming system includes a display unit, a wager input device, a player input device and at least one processing unit operatively coupled to the display unit, the wager input device, the player input device and a memory (col. 2, lines 1-33) [claim 66].

2. Vancura160 is silent regarding the criterion based on player skill, performance, or status of the bonus game. Vancura732 discloses a trivia game in which the criteria for the difficulty level of the question is independent of the player preferences (col. 15, lines

15-22) [claim 54]. The criterion comprises a past performance of the player and the status of the bonus game [claims 79, 80, 82, 83]. For example, the difficulty level may be decided based on a player's skill level, which is based on past performances, i.e. a status that a player has achieved in the bonus game. It would have been obvious to one of ordinary skill in the art at the time of invention to select the difficulty level of a question independent of the player preference. For example, a player my prefer easy questions, but if they are a good competitor they should have a more difficult skill level and therefore should have more difficult questions in order for the player to have a more difficult chance to answer the question thereby having the game be in the casino's advantage and not the player's. Furthermore, the advancing difficulty of the trivia game provides players an challenge to keep there interest since players who are high skilled may become bored if the game does not challenge them and so with each successive correct answer, subsequent questions will become increasingly difficult.

3. Vancura160 also lacks in disclosing forming a team of players. Walker discloses that when receiving an answer selection from the player, the player my form a team from a plurality of players (col. 6, lines 40-47) [claims 54, 66]. It would have been obvious to one of ordinary skill in the art at the time of invention to have players play as a team. Team play is very common in trivia games because the more players one has, the better the chance that someone on the team will know the answer and the team can answer the question correctly thus winning the prize. Consequently, teams can help players win in trivia games.

4. Walker and Vancura160 and 732 both lack in specifically disclosing receiving a vote from at least one of the team. LaMura teaches of an online trivia game in which a vote is received from at least one of the team at a processing unit one the gaming network. The vote is associated with at least one of the fixed set of answers. The answer selection at the processing unit on the gaming network is determined according to the vote received from the at least one of the team (col. 7, lines 10-30; col. 11, lines 35-49; col. 12 lines 7-27) [claims 54, 66]. It would have been obvious to one of ordinary skill in the art at the time of invention to allow the team members of Walker to vote for one of the fixed answers. By taking a team vote for the answer, all team members may contribute to participate in the answer process and it is well known throughout the art that majority vote wins and as such the answer with the most votes should be the one the team selects. Voting for what a plurality of people want is a democratic process that can be applied to numerous circumstances including game play.

5. Claims 56-59, 62, 68-71 and 74 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vancura160, in view of Vancura732, Walker and LaMura as discussed above, and in further view of Olsen, U.S. Patent No. 6,217,448. The prior art lacks in specifically disclosing how the bonus pools are funded. Olsen teaches that determining an award comprises determining an award from a bonus pool generated at least in part through the wager received from the player (See Olsen col. 9 lines 50-67) [claims 56, 68]. The award can comprise the entire bonus pool or a portion of the bonus pool (See Olsen col. 9 lines 50-67) [claims 57, 58, 69, 70]. Olsen further teaches that when determining to initiate a bonus game it determines if a qualification for the player

to enter to the bonus game has occurred including setting a stake in the bonus pool for the player in the bonus game according to the qualification (See Olsen col. 25 lines 45-49) [claims 59, 71]. Furthermore, if a second person plays the wagering game, the bonus pool is generated at least in part through the wager received from the first player and the wager received from the second player [claims 62, 74]. It would have been obvious to one of ordinary skill in the art to fund the bonus pools through the player's wager and to award the player all or a portion of the pool. By funding the pool through the player's wagers, the pool is self-sufficient and the casino does not lose any money on awarding the pool since it maintains itself through player wagers. Furthermore, it is well known throughout the art to have a qualification to participate in a bonus game such as a max bet and to have that bet fund the pool. Once again, if the bonus pool is self sufficient, the casino is still profitable because it does not have to award any money outside of the pool.

6. Claims 78 and 81 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vancura160, in view of Walker,in view of Vancura732, in view of LaMura in further view of Walker et al., U.S. Patent No. 6,193,606 B1. The prior art lacks in specifically disclosing that the criterion comprises a random selection. Walker et al. teaches of an electronic gaming device with a trivia game component. The trivia questions have a difficulty level selected according to a criterion in which the criterion comprises a random selection (See Walker col. 8 lines 26-47; col. 10 lines 59-67; col. 11 lines 1-9) [claims 78, 81]. For example, each question has a certain difficulty level and the questions are randomly selected. It would have been obvious to one of ordinary skill in

the art at the time the invention was made to select questions randomly because randomly selecting questions from a database limits the possibility of the player knowing the question before hand and therefore retaining the spirit of the trivia game since it would not be of much challenge, fun, or interest if a player were to play a game in which the player is already made aware of the questions to be asked.

Response to Arguments

Applicant's arguments with respect to claims 54, 56-59, 61-66, 68-71 and 78-83 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dat T. Nguyen whose telephone number is (571) 272-2178. The examiner can normally be reached on M-F 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E. Pezzuto can be reached on (571)272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Dat Nguyen

Robert Pezzuto
Supervisory Patent Examiner
Art Unit 3714